

## **REMARKS/ARGUMENTS**

The Final Office Action mailed July 27, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

### Claim Status and Amendment to the Claims

Claims 1-4, 7, 9-11, 17-34, 37, 39-44, 46-47, 49-52, 54-55, and 57-58 are now pending.

Applicants gratefully acknowledge the indication of allowance of claims 7, 9-11, 17-18, 23-30, 37, 39-41, 46-47, 49-50, 54-55 and 57-58, subject to their re-writing in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-6, 8, 12-16, 35-36, 38, 45, 48, 53, and 56 have been canceled, without prejudice or disclaimer of the subject matter contained therein.

Claims 1, 3, 19, 31, 33, and 42-44 have been amended so as to include the allowable subject matter recited in claim 7. Furthermore, claims 1, 3, 31, 33, 42, and 43 have been amended to correct informalities as noted by the Examiner in the Final Office Action.

Claims 7, 9-10, 17-18, 23, 27, 37, 39-40, 46-47, 49-50, 54-55, and 57-58 have been rewritten into independent form to include the limitations of the corresponding independent claim and intervening claims.

Claim 51 has been amended to depend from claim 17.

### The Claim Objections

Claims 1, 3, 12, 31, 33, 42, and 43 stand objected to because of certain informalities noted in the Final Office Action. The noted portion has been deleted, without prejudice, from

each claim so as to correct the informalities. With this amendment, it is respectfully requested that the objections be withdrawn.

The First 35 U.S.C. § 103 Rejection

Claims 1-6, 8, 12-16, 19-22, 31-36, 38, 42-45, 48, 51-53 and 56 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Martin (U.S. Pat. No. 6,154,776) in view of Lemaire et al. (U.S. Pat. No. 6,208,149), among which claims 1, 3, 5, 12, 19, 31, 33, 35, and 42-44 are independent claims. This rejection is respectfully traversed.

According to M.P.E.P. §2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

Among the independent claims, claims 1, 3, 19, 31, 33, and 42-44 have been amended so as to include the allowable subject matter recited in claim 7. Accordingly, these independent claims should be allowable at least for the same reason as claim 7. It should be noted that the added limitations had been recited in claims 6 and 7 and thus have already been considered by the Examiner. Accordingly, this amendment does not raise a new issue or require a new search.

The remaining rejected independent claims 5, 12, and 35 have been canceled by this amendment, without prejudice.

Accordingly, it is respectfully requested that the rejection of claims based on Martin and Lemaire be withdrawn. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

#### Dependent Claims

Claims 7, 9-10, 17-18, 23, 27, 37, 39-40, 46-47, 49-50, 54-55, and 57-58, which include allowable subject matter as the Examiner indicated, have been rewritten into independent form to include the limitations of the corresponding independent claim and intervening claims in accordance with the Examiner's suggestion.

Claim 2 depends from claim 1, claim 4 depends from claim 3, claim 11 depends from claim 10, claims 20-22, 24-26, and 28-30 depend from claim 19, claim 32 depends from claim 31, claim 34 depends from claim 33, claim 41 depends from claim 40, and claim 51, as amended, depends from claim 17, and thus include the limitations of corresponding independent claims. The base claims being allowable, as set forth above, the dependent claims must also be allowable at least for the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

#### Request for Entry of Amendment

Entry of this Amendment will place the Application either in condition for allowance, or at least, in better form for appeal by narrowing any issues. Furthermore, as explained above, the

present amendment neither raises a new issue nor requires a new search, since the Examiner has already considered the limitations at issue, and other changes are only concerned with formality of the claims. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

#### Conclusion

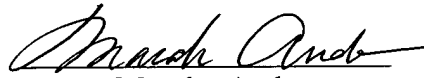
It is believed that this Amendment places the above-identified patent application into condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,  
THELEN REID & PRIEST, LLP

Dated: November 29, 2004



Masako Ando

Limited Recognition Under 37 CFR §10.9(b)

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